

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JASON P. SHERWOOD

v.

DWIGHT BARBEE

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NO. 3:12-0926

ORDER

Presently pending before the Court are several motions filed by the petitioner in this habeas corpus action. The motions are ruled on as follows.

The petitioner's motion (Docket Entry No. 29) for leave to file a response to the respondent's reply and to excuse the untimely filing of his petition is GRANTED to the extent that the petitioner is granted leave to make arguments in response to the reply. The petitioner has not actually filed a separate response, but merely included his arguments in the body of his motion.


To the extent that the petitioner seeks to excuse the untimely filing of his petition, the motion (Docket Entry No. 29), as well as the petitioner's motion for release from custody (Docket Entry No. 33), motion for summary judgment (Docket Entry No. 38), motion for transfer of case (Docket Entry No. 43), motion to expedite habeas corpus claim (Docket Entry No. 44), and motion to substitute original habeas claim (Docket Entry No. 48) are DENIED. Each of these motions essentially addresses legal issues related to the timeliness or the merits of the petition for habeas relief. All issues related to the timeliness of the complaint and whether this action should proceed are addressed in the contemporaneously issued Report and Recommendation, which recommends that the motion to dismiss be granted and this action be dismissed. The Court has construed the arguments made in the instant motions as a collective response in opposition to the motion to dismiss.

The petitioner's motion for a transfer to another prison facility (Docket Entry No. 39), is DENIED. Such a request is outside the scope of the habeas corpus action filed by the petitioner.

The respondent's motion to substitute party (Docket Entry No. 45) and the petitioner's motion to issue summons (Docket Entry No. 50) are DENIED as MOOT given the recommendation that this action be dismissed, with leave to be re-filed if this action is permitted to proceed.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.


JULIET GRIFFIN
United States Magistrate Judge